tensen's part in discussions as to his guilt. When it came Mr. Eichnor's turn to use a "peremp"he did not hesitate to use the seventh and excuse Mr. Hems-

Those who were excused for implied

bias were, William A. Needham, J. R. Smith, W. H. Johnson, Oscar Groshell,

Smith, W. H. Johnson, Oscar Groshell, Adolph Hauerbach, Thomas F. Howells, F. L. Beatle, Charles Falco, W. J. Hall, Z. H. Jacobs, W. E. Kinnearsley, J. B. Caldwell, Walter P. Jenings, David R. Gill, Jr., Henry Taufer, C. W. Walters, J. N. Esilnger, Robert Ayeson, O. M. Johnson, T. McGhie, Jos. J. Williams who would have been accepted had he not said he would have as readily believed Morrensen as any other witness.

lieved Mortensen as any other witness

He was excused by the state on its sixth peremptory challenge. H. J. Hayward was excused for implied bias. Thomas M. Gillespie furnished some amusement for the spectators. Mr. Stewart asked: "What are your politics?"

"I don't think that's anyone's business." He replied. The court instructed him to answer the question, and he replied that he was not a Democrat and

not a Republican. He had worked for Mr. Eichnor once and worked against

him at the last election. Reasonable grounds were found for his excuse and

OPEN VENIRE ORDER,

First Case of the Kind Since the

Year 1884.

What was predicted by the "News"

came to pass this morning at 10:30

o'clock when Judge Morse directed

returnable immediately.
At exactly 10:27 o'clock the last name

"Do you think you could try this case

fairly without being influenced by the opinion which you have formed and

He was immediately excused, and the court thereupon issued the open venire

Mr. Clerk, you will issue an oper

venire directing the sheriff of Salt Lake county to summon fifty legal jurors of this county, returnable to this

District Attorney Eichnor suggested

to the court that an order be made that the sheriff and his deputies be in-

structed when serving the summons to leave the summons with the jurors so

Judge Morse, "have them report to the clerk and bring their summons with

The court also instructed the sheriffs that if they met any person who re-

used to give their names, they were

to arrest that person immediately and

bring them before the court to show

cause why they should not be punish

ed for contempt of court. It will there-fore be decidedly unhealthy for any

itizen who tried to evade jury duty

by refusing to give his name to any

officer who may inquire. After issuing

ed that court be adjourned until 2 this

Immediately after court adjourned,

father and brothers formed a circle

and "went into executive session" and

conversed earnestly in a low tone for

THE COURT SUMMONS.

Following is a complete copy of the

Whereas pursuant to law and an or-der heretofore made and entered by

Witness the honorable judges of the

Salt Lake County, State of Utah,

FIRST OPEN VENIRE SINCE 1884.

As an indication of the extent of public feeling in this case, and the

great desire on the part of jurors to escape an unpleasant duty in serving

it may be stated that this is the first

ime an open venire order has been is-

sued by any court in the State of Utah since Oct. 16, 1884. The order then ap-

plied to the case of the United States of America vs Rudger Clawson,

charged with polygamy. In that case there were 200 names on the jury list,

and they were exhausted before the jury was completed. The court, Charles

3. Zane, then issued an order for an

open venire of six persons, who were secured in the following: O. Von Trott,

O. A. Palmer, Ellsworth Daggett, J. C.

Clasby, Daggett and Wilkes were the jurors finally selected to complete the

jury and were sworn. Thereupon the defense challenged the jurors on the ground that their names were not on the jury list for the year, and hence,

Conklin, Edward Wilkes and J.

(Seal.) JOHN JAMES, Clerk Third Judicial District C

day of May, A. D. 1903

the above orders, Judge Morse order

EARNEST CONFERENCE.

Peter Mortensen, his attorneys,

several minutes.

y. Utah, sends greeting:

hem so that we know who they ar

that they could report to the clerk.

"When parties are summoned."

The language of the court was:

"I hardly think so."

ourt forthwith.

he was retired.

That the advertiser wants to get into. Call at the News office and wa will satisfy you that the News is the paper that reaches the people at their are-

NUMBER 159

FIFTY-SECOND YEAR

FRIDAY, MAY 23, 1902. SALT LAKE CITY, UTAH.

In Murder Case

Judge Morse Issues an Order For an Open Venice for Fifty Names in Mortensen Trial - Ephraim Foster's the Last Out of the Box-Fred S. Frisbee First Man Caught

east First South street. This is the first time in the history of

LIVELY TILT OVER JUROR.

There was an exceedingly lively tilt he might lose his job and be severely criticized by the public. The usual question whether he was acquainted with the defendant was not asked by the defense, and when he was passed

long have you known him?" Have you worked for him?"

Mr. Elchnor arose from his seat and asked suddenly: "When was the last time you talked to Henry Morten-

d: "I don't know that I have talked Henry Mortensen about the case."

When did you talk to him last?" 'About two months ago.' do you mean to tell me that

years and have worked with him enced by your friendship?"
"Not if it was proved that he is replied the juror.

Mr. Steward asked permission to put

rors of this county, to sit and serve as be? A good straightforwardyou putting the defendant's ter in issue?" demanded Mr. 1902, in the criminal division of said defined in issue?" demanded Mr. dehnor, "If you are I insist that this is not the time and place and I object." The juror had already answered in the affirmative, but the court sustained the objection. After asking if the jum had ever had any trouble with the decised, the defense passed him for Now, therefore, you, the said sheriff of Salt Lake county, State of Utah, are hereby commanded to summon fifty (50) qualified persons to be and appear before this court, at the court room of the criminal division, therethe defense passed him for Then came the fun. The disof, (before Hon. C. W. Morse, judge), forthwith, to serve as such petit jurors attorney arose and approaching n pursuance to the order of this court for and pointing his finger at him

Mr. Hemsley said not a word.
"Now tell me, no shuffling about it."
Thundered the now thoroughly indig-

on't know that I ever talked with ary Mortensen about the case, ne in a low tone from the juror.

juror sat mute but cast a glance

NO!

RING iring reiry.

enable store clairy.

ace was scarlet. Mr. Stewart ed to his feet and entered a strong

he court please the juror is try-

fall to see it Mr. Eichnor," sald Judge Morse, Stewartt then asked the court to he jury not to take into con-the remarks of the district and Mr. Eichnor asked the to inform the jury that the dis-attorney had a perfect right to the question. That he had that he question. That he had was so gelf evident that the court of comply with Mr. Elchnor's redid instruct the jury as re-Mortensen sat gazing at Hemsley, and with a his brother and conversed in

tone. The fact was then brought

of hustling to serve summons upon 50 persons in so short a time.

There were only seven names in the box this morning, and it required less than half an hour to oust them from the box on the ground of implied and actual bias. Those who were excused besides Mr. Foster were William J. besides Mr. Foster were William J. Kemp. Rudolph Knudsen. Albert Smith, Robert E. Fowler, "special venire," J. M. Green, James King and Hyrum F. Schofield. With the last named juror, it really looked for a time as though he would be accepted. He answered all the questions put to him by Attorney C. B. Stewart in a straightforward manner and with evident fairness. He declared that he had formed half a dozen opinions, but they were qualified. He knew the deceased was slightly acquainted with Mr. Sharp and Mr. Romney, but that fact would not

Mr. Romney, but that fact would no influence him in the least. He did no believe that Mr. Sharp had the revela tion and said emphatically that he did not believe that God revealed to man the guilt of persons accused of crime where Mr. Schoffeld balked was or capital punishment on circumstantia

"Have you any prejudice or bias against capital punishment?" was ask-

"In a way I have."
"In what way?"
"I would not convict a man of murder in the first degree where the penalty was death upon circumstantial

"Would you not vote for conviction where the circumstantial evidence was as strong to your mind as direct evi-dence—where the circumstances proved to your mind that the defendant was guilty beyond a reasonable doubt would you not then vote for convic-

"I don't believe I would."

He was challenged by the defense, and naturally the state did not resist.

Mr. Schofield was then excused.

THIS AFTERNOON.

Most of this afternoon was consumed n the examination of the special open venire of fifty jurors on their voir dire, and judging from the outlook at this writing, there will not be a juror sworn today although one might pos-

sibly squeeze through.

The first name called by Clerk Macknight was that of Robert W. Dye The others who followed were J. C. Bowring, John McArthur, Joseph H. Roberts, J. J. Meyers, B. Rich, Fred Frisbee, J. H. Brown, Henry Hulbert, H. K. McMillan, David Keith, J. T. Clasbey, J. W. Jenkins, Alexander Cohn, Messrs Meyers, Rich, Frisbee, McMillan and Keith were excused on vn metion.

Clerk Macknight to issue an open venine, directing the sheriff of Salt Lake J. L. Nebeker, M. S. Woolley, E. M. ounty to summons fifty legal jurors, Onion, Samuel Peterson, Jr., A. H. Parsons, Herman Bamberger and L. H. Farnsworth were then called and was drawn from the jury box and it required but two or three questions to only three were placed on the list, the others being excused on their own motions. J. L. Nebeker, A. H. Parsons and L. H. Farnsworth were the jurors get rid of him. The name was that of Ephraim Foster. "Have you formed an opinion as to the guilt or innocence of this defend-

and L. H. Farnsworth were the jurors detained.
H. W. Lawrence, C. W. Miller, A. H. Crabbe, G. T. Bourne, A. F. Campbell, L. J. Brown, F. S. Luff, E. S. Penrose, L. G. Hardy, T. H. Cartwright, Alfred Bennion, Lewis M. Cannon and Jno. H. Horlick were examined on their voire dire and placed on the list.
J. T. Buckle, Brigham Sellers, Geo. Coleman, and Hyrum Groesbeck were

Coleman and Hyrum Groesbeck were excused upon their own motion. turnable this afternoon at 2 o'clock, 3

jurors reported, and 26 passed their voir dire, and their names were placed Albert Bennion, Alex S. Campbell, Jos. H. Roberts, L. G. Hardy, Geo. T. Bourne and A. H. Parsons were ex-

UINTAH INDIAN LANDS.

amined by the defense and excused for

Senator Stewart Introduces Resolution Modifys ing Indian Appropriation Bill.

Provides for Selection and Setting Apart of Non-Irrigable Land for Grazing Purposes for Indians-

(Special to the "News,") Washington, D. C., May 23 .- Senator Stewart has introduced the following joint resolution in the senate, which was immediately passed by that body, to modify the provisions in the Indian appropriation bill which are opposed by the president.

"In addition to allotments in sever alty to the Uintah and White Rock Utes of Uintah Indian reservation. in county clerk's summons as per the or-der of Judge Morse: In the District Court of the Third the State of Utah, the secretary of th interior shall, before any of said lands are opened to disposition under any public land law, select and set apar udicial District in and for Salt Lake County, State of Utah. The state of for the use in common of Indians o that reservation such an amount of to the sheriff of Salt Lake Counnon-irrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said said court, in and for Salt Lake county, State of Utah, for the issuance of dians for the grazing of livestock, All allotments hereafter made to Uncom-paghre Indians of lands in said Uintah Indian reservation shall be confined to agricultural land which can be irri gated, and shall be on the basis of 8 acres to each head of a family and 40 acres to each other Indian and no more. The grazing land selected and set apart as aforesaid in the Uintah Indian reservation for use of all Uncompaghre Indians receiving allo ments to said reservation of reduced area here named, made under said act and other general acts amendatory thereto. The item of \$700,640.48 appropriated by the act which is hereby su emented and modified, to be paid to Uintah and White River tribes of District court in and for Salt Lake county, State of Utah, and my hand and the seal of said court, this 23rd Ute Indians in satisfaction of certain obligations named in said act shall b paid to the Indians entitled thereto without awaiting their action upon th proposed allotment in severalty of lands in that reservation and the res toration of the surplus lands to the public domain.

The resolution was sent to the house

Ireland May Go to New York. Rome, May 23.-The vatican is discussing the feasibility of the archdio cese of New York sending in the name of Archbishop Ireland in connection with the names of Bishop O'Donwith the names of Bishop O'Don nell of Brooklyn and Auxiliary Bishop John McFarley of New York as can-didates from whom the propaganda shall select a successor to the late Archbishop Corrigan. The belief in this possibility is based on the idea that the Catholics of the archdiocese ar ambitious to have a cardinal as the

New York, May 23 .- Father Lavelle rector of St. Patrick's cathedral, this city, said he had not heard any o those in authority here express the presided over by a cardinal. Father Lavelle said that since the death of Archbishop Corrigan the only question considered was the selection of to be presented to the pope for his action. It was pointed out also that the initiative in the creation of a cardi-

nal rests with the vatican.

The Mine Dead.

Explosion at Fernie, B. C., Kills Over a Hundred Coal Miners - Catastrophe Caused by Someone Lighting

were wrecked. One hundred and fifty time of the explosion. Of this number 16 escaped from No. 3 before the cave in. The remainder of the prisoners are entombed and small hopes are enter tained for their safety. Good order pre was disabled but was quickly restored. No. 3 is expected to be opened soon. A boy, one of those who escaped, has

> LITTLE NEWS FROM FERNIE. Vancouver, B. C., May 23.-Prospects

are poor for getting a story of the mine disaster from Fernie for some hours. There is only one slow wire and it is choked up with private messages. The company will not accept any specials until the wire is clear. A private dispatch just received here says that everyone in the mine was killed. So far only six bodies of the 123 vic time have been recovered. The cause of the explosion is said to have been due to fire damp igniting from a match due to lire damp igniting from a match with which a miner was lighting a pipe in deflance of orders. A tremendous explosion occurred in No. 2 mine, followed in a few seconds by an explosion in No 3, connected by a short tunnel. The majority of the men were in No. 3. Every family in the little town is directly affected by the calamity and the entire surviving population is in a state of frenzy. tion is in a state of frenzy.

1,000 coal miners, authorized the taking of subscriptions at the gates leading to the grounds where celebration is being held today and tomorrow Amount will be devoted to alleviating the sufferings at Fernle.

FOUNDER OF FERNIE.

Victoria, B. C., May 23.—Willian Fernie, one of the original owners of the Crow's Nest coal mines, has received a wire from Fernie this morning aying that an exploasion had occurre n Numbers Two and Three slopes, reuiting in the death of 125 men. Th mines affected are situated on Coa Creek, six miles from Fernie. No. tunnel is two miles long and No, about the same length. From these tw mines, and No. 1, most of the coal of the district is taken. They have been well developed, the tunnels running from the bank of the creek into the mountain of coal. It is said by men who visited the mine that it will be not well ventinated and that another explosion was expected.

IT IS A LITTLE TOWN.

Seattle, Wash., May 23.—Fernie is a town in the eastern part of the province of British Coumbia on the Crows Nest Pass branch of the C. P. Ry. It lies in the center of a country very rich in coal deposits. The veins extend eastward into the neighboring territor; of Alberta. The building of the rail way four years ago was followed by the operation of the coal mines which beong to a company composed largely of Poronto capitalists. These are the coal fields that J. J. Hill was reported to have gained control of a year or so ago, but beyond the Great Northern being ne of the coal company's customers no Nanalmo, B. C., May 23.—Immediately upon receipt of the news of the Fernie mine disaster Mayor Mason of this of the coal company's customers are evidence of this coal company's customers are vidence of the coal company's customers are vidence of the coal company's customers are vidence of the coal company's customers are vidence of this coal control has been apparent. Fernie's only industry is mining and its population is about 5,000 mine disaster Mayor Mason of this

and a number of ladies attached to the

party.

The second section left an hour later over the Pennsylvania road in a specia train. It included the president, Am-bassador and Mme. Cambon, Miss Alice Roosevelt, Miss Carey, Secy. Moody Secy. Root, Mr. Cortelyou, Mrs. Cortelyou, Dr. Rixey, Mrs. Senator Lodge, Col. Bingham Lieut.-Commander Winslow and Representative Foss.

and American mission arrived here to day from Washington today to partici pate in the official reception of President Roosevelt on board the French flagship Caulois, now at anchor at An-

The party, which came in a special train over the Pennsylvania road, consisted of the French representatives and the American commission as fol-

Asst. Secy. of State Pierce, Commander Raymond Rogers, U. S. N., and Col. Theodore N. Bingham, U. S. A. They were accompanied by Admiral George Dewey, ch. Nelson A. Miles, Adjt.-Gen. H. C. Corbin and a party of eigh ladies. At the station they were met l Lieut. Ziegmeier and Lieut. Hough the naval academy, the former taking charge of Admiral Dewey and the lat ter the French and American commi sioners. The party was escorted to the naval academy grounds and to the wharf, where they were joined by Gov Smith of Maryland. They embarked or the Gloucester and Standish, and were

taken out to the Gaulois, At 11:30 o'clock the special Pullman At 11:30 o'clock the special Pullman train bearing the presidential party arrived. The party consisted of President and Miss Roosevelt, Secy. of War Ellihu Root, Secy. of the Navy Moody, M. Cambon, the French ambassador, Secy. and Mrs. Cortelyou, Admiral Taylor, Mrs. Lodge, wife of Senator Lodge, and Companyate and Mrs. Williams Williams. and Commander and Mrs. Winston Supt. Wainwright and Lieut. Zeig

supt. Wainwright and Lieut. Zeigmeier, his aides, greeted the members
of the party. The streets of Annapolis
over which the party was driven were
patrolled, by Jocal companies of the
Maryland National Guard.
At the acaiemy, the cadet battali in
was drawn up in battalion form, the
band playing "The Star Spangled Banner."

The president did not stop, but the cadets saluted him as he passed.

Arriving at the Santo wharf the party to the dispatch boaf Dotphin, which wa o convey them to the Gaulois, the party was going out in the launches the guns of the Dolphin were thundering out a salute of 21 guns in honor of the president. The presidential part it is expected, will leave for Washington

Charley Thomas Out for Senate.

Denver, Colo., May 23 .- Former Fov Chas. S. Thomas today announced his candidacy for election to the United States senate as a Democrat to succeed Senator Teller.

Killed His Sweetheart.

South Bend., Ind., May 23 .- John W. Churry, aged 31, a carpenter, shot and killed his sweetheart, Suanne Kecskemeti, aged 16, early today, and then shot himself with the same revolver. The couple evidently had planned to die together. They apparently had lain on the ground side by side. The man then placed the 38-caliber revolver over her heart and fired twice. He then shot himself in the mouth. There was no indication of a struggle. No reason for the tragedy is known.

Rambling Katie Wins Cup.

London, May 23.-Rambling Katie three-year-olds and upwards, distance Witsuntide meeting today. Hynrose was second and First Principle came in third. Fifteen horses started.

Wife Kills Hu sband inSelf Def ense Pittsburg, May 23.-Jos. Pearson, a horse jockey, was shot and instantly killed by his wife, Louise, at the lat-He was in the act of braining her with a hatchet when she fired point blank at his head. Mrs. Pearson is held pending the coroner's verdict.

SENATE.

Washington, May 23 .- Soon after the senate convened today, Mr. Hale of Maine, from the appropriations committee reported a bill making additional appropriations supplying urgent deficiencies in the appropriations for the present fiscal year. As the bill passed the house it carried an appropriation of \$81,500, and the senate committee added \$88,500. The principal additions were for printing for the navy and interior departments. The bill was passed.

Mr. Hale said it had been suggested that he move a conference and that the conferees of the senate be instructed not to yield any of the senate amendments, but he did not think it wise to hedge about the conferees with any instructions. No action therefore was taken as to the appointment of

Mr. Stewart of Nevada, chairman of the Indian affairs committee, offered a joint resolution which, he said, met some objections of the president to the Indian appropriation. The resolution provided for the modification of certain evisions of the Indian appropriation oill relating to the making of allot rents to the Indians of the Spokane Indian reservation; the payment to cer-\$70.064 and to the settlement of the In dian lands. The resolution was passed At the conclusion of the morning bus the message of the house asking for a erees not to agree to the senate amendbarracks and quarters at established military posts thus striking out the

appropriation for such buildings in Manila, was laid before the senate. Mr. Proctor in charge of the bill, said t was a new and unusual condition presented. To bring the matter up he moved that the senate agree to the onference asked.

Mr. Spooner said it was of the utmost consequence that there should be the utmost harmony between the two branches of Congress, but it was just as necessary that there should be full and free conferences. He thought the proceedure of the house was inadmisable and if the senate acquiesced now in the proposition made there would be no end to the trouble which would

Washington, May 23 .- Upon the convening of the house today, Mr. Wadsworth of New York presented the conference report upon the agricultural bill for printing in the Record accord-ing to the rule yesterday and gave notice that he would call it up on Monday next. The following bills were passed: To

re-divide the district of Alaska into For the promotion of First Lieut. Jos. M. Simms, revenue cutter service. The house disagreed to the senate amendments to the bill to prevent the false branding or making of food or dairy products, and asked for a conference.

The house then proceeded to the con-

Evacuation is Not Justifiable.

So Say the Council and Governor of Martinique-Many People Leaving Island - Sky Clear and Population Calm - Mont Pelee Less Threatening - The Capole Kiver is Running With Hot Water.

Paris, May 23 .- A dispatch received here from the governor of Martinique, fated yesterday, reads as follows:

"Have consulted with the council of he colony on the partial or total evauation of the island. They are unanmous in declaring the measure is not justifiable at present. A transatiantic ine steamship now undergoing repairs here might be utilized to transport those who are desirous of emigrating. About 1,000 persons are leaving by the steamer Versailles, and others are ailing on the Ville de Tager for Trinidad and Cayenne. There have been no new fatalities."

MANY LEAVING MARTINIQUE. Fort de France Island of Martinique

May 22 (Thursday).—At 5 o'clock this afternoon the sky was clear and the population was calm, but despite this avorable change in the situation many families left Fort de France by the French steamer Versallles and the Ville de Tanger for the island of Trinidad and Cavenne, French Guiana. This, with the 1,200 persons who have gone to the island of Guadeloupe, and many others who have sought refuge at St. Lucia and other islands, has lessened leans.

the population considerably. Besides these some 2,000 people have left for the southern parts of the island of Mar-tinique, where 3,000 refugees have now assembled. This desertion of Fort de France has resulted in the disorganization of many trades. A number of bakers have been compelled to close their stores, owing to the fact that their employes are among those who have The French cruiser Tage, having Ad-

leaving the crater mingle with the clouds in the sky and do not have the threatening aspect they formerly had. A new crater has formed in the vicinity of Ajoupa Bouillon.

A locality known as Camae Trianon is causing a good deal of anxiety at present. The Capole river is running

miral Servan on board, arrived here this afternoon. She reported that

Mont Pelee now presents more assur-ing prospects. The clouds of smoke

with hot water. The French cruiser D'Assas has arrived here from Brest, having on board the French government relief commission, and large supplies of money and

The French cruiser Tage left New Orleans May 11 with money and sup-plies for the Martinique sufferers, contributed by the citizens of New Or-

PEACE REGARDED AS ASSURED.

No Official Declaration to That Effect Yet-Statement Expected From Government - May Be Reserved for Meeting of Commons Monday - The Fighting Still Continues.

London, May 23 .- Peace in South Af- | cate that whatever decision the Vercenica is regarded as assured, but an official declaration to that effect is still lacking, and there is nothing official to indicate when an announcement may be expected. Opinion is divided as to whether a statement on the situation will be issued tonight after the cabinet meeting, or whether it will be reserved for the meeting of the house of com-mons on Monday. It seems, however, at the best, that only the basis of the peace terms will be before the ministers and that if they are accepted the discussion of the details may still ocupy some time, during which, presum

ably, an armistice will be declared Meanwhile, outside the Boer commandoes immediately connected with the peace negotiations, fighting continues. Lowat's scouts surprised Fouche's com mand, in Cape Colony, Wednesday last, and captured most of the Boer supplies.

More public interest was manifested in today's meeting of the cabinet than was the case since the earlier stages of the war. The ministers reached Down-ring street from all parts of the country and were greeted by hundreds of people anxious for sign of the trend of affairs. The stock exchange has fully made up its mind how things are going and declares that the bases of peace were signed at Pretoria yesterday. The cabinet meeting adjourned at 5 p. m. The Associated Press has as-

the war as practically ended.

igning conference may arrive at, most, if not all of the Boer leaders who went to Pretoria will not continue the fight. The present negotiations were merely for the purpose of enabling the Boer leaders to "save their faces." After they learn the results of this afternoon's cabinet meeting the Boer leaders are expected to announce their entire acquiesence with the British terms. The war office does not expect any serious defections of the rank and file from the lines taken up by General Botha and Dewet. Every precaution is being taken at Downing street to prevent premature publication, in view of the possibility that a portion of the struggle without their leaders. Privately, however, confidence is expressed n official circles that everything is over but the shouting. Interesting references to reace are contained in a letter from Klersderp, Southeastern Africa, dated April 17. It says:

"Seventy thousand to 80,000 British troops are here awaiting Gen. DeLarey's answer from the peace conference, and every hour we are expecting them We have actually sent out wagon loads of clothes to enable them to come in tidy, so there is every prospect of peace. Lord Kitchener comes here from Pretoria every other day and seems to be in particularly good spirits. He actually smiles and that's a thing. He actually smiles, and that's a thing he not often does. We attach great certained that the government regards importance to these smiles, in regard vices received by the war office indi- | to peace.

HONORS THE FRENGH NAVY.

The czar, M. Loubet and the czarina proceeded thence on the royal yacht Alexandra and boarded the armored cruiser Montcalm, where the president entertained their majesties at luncheon, M. Loubet toasted the czar as fol-

"Sire-In coming on board the Mont calm with her majesty, the czarina, you have done the French navy an honor which it will profoundly appreciate. The sentiments of our sallors for their brave comrades of the Russian nav manifest themselves on every occasion Whether in the eastern that offers. Whether in the eastern seas, the Mediterranean or elsewhere their fraternity evidences the union of

St. Petersburg, May 23 .- The French | their countries. I shall carry away aquadron escorting Prest, Loubet, left of my visit to this hospitable empire, and France, which has heard with joy the velcome extended to her representative, will remain faithful to the alliance with Russia, which in common with France, so fully appreciates the benefit. "I drink to the long life and glory of the valiant Russlan navy."

"It is infinitely agreeable to the

czarina and myself to again find ourselves in the midst of the brave French sailors and it is with especial pleasure that we feel that we are actually in France on this fine vessel. We thank lent, and beg you to convey our most friendly greetings, as well as. wishes, to France, the faithful friend and steadfast ally of Russia, of the glorious navy of France.

The czar replied:

KILLED IN A TROLLEY WRECK.

Easton, Pa., May 23.-Two men were killed and many men and women injured in a trolley wreck a few miles | mer township, the brakes refused to beyond Easton at midnight last night.

Edward Commodore, Nazareth. Jos. Derhammer, Easten.

Alfred Hamilton Hanged.

Whatcom, Wn., May 23 .- Alfred Ham-

ilton alias Alfred Hawkins was hanged this morning at 6 o'clock for the murder of D. M. Woodbury at Anacortes, Sept. 7, 1899. His neck was broken by the fall and he was pronounced dead in 16 minutes. Hamilton maintained his nerve to the last, saying in response

to the sheriff's question if he had any-thing to say: "No, I am here to die." He cursed the sheriff when he read the death warrant to him ten minutes before the execution and rushed up the scaffold stairs two steps at a time. Hamilton, who was a fisherman, went into Anacortes on the afternoon of Sept. 6. After disposing of his catch for more than \$1,000 he started out to hold up the town, first getting well under the influence of liquor. During

that night and the next forenoon he en

building and at the top of the stairs Hamilton made the marshal stand still with his arms in the air. pened his door and stepped into the hallway to ask the reason of the com-motion. He was ordered to throw up his hands. He tried to exposulate with the man, at the same time trying to back into the room. Thereupon Ham-liton fired, inflicting a wound that proved fatal within two days.

city shortly before midnight, carrying 89 passengers. On a steep hill in Pal-

work and the car ran away, descend-

ing the incline at terriffic speed. At the foot of the hill, on a sharp curve,

the car jumped the track and fell on

of his pistol. The marshal turned into

Died from a Pugilist's Blow. Boston, May 23.-Tommy Noonan of

Chelson, Mass, died this morning from the effects of a blow received from Ed-die Dixon of Chicago in a boxing conest at the Lenox Athletic club here last night. Dixon is in custody. While generally known in sporting circles as Tommy Noonan, the dead boxer's ame was John Cassidy and his home was in Chelsea. He was 20 years of age. The fatal blow landed on Noonforced his commands at the point of a pistol. On the afternoon of the 7, the city marshal attempted to arrest him. an's jaw, and he dropped to the floor where he lay until counted out. sicians pronounced him suffering from but getting the drop on him, Hamilton marched him up the street at the point

Catch-All Net

-Some Amusing Experiences of the Sheriff's Office.

The expected happened today in the out that Hemsley had taken Peter Mor-Mortensen-Hay murder case when Judge Morse issued an order to Sheriff Naylor to go out on the street, into business houses, private residencesanywhere, everywhere-to get 50 men and bring them into court with a view to having them examined for jury service. As a result there was a hurrying and a skurrying in all directions on the part of Sheriff Naylor and his deputies, who had been looking for just such an emergency. They had been watching the drawing of the names from the box, one by one and saw them getting fewer and fewer. Finally the last name came out at precisely 10:36. It was that of Ephraim Foster. Then came the open venire order which was made out as quickly as possible and turned over to the sheriff's office. The task of execution looked easy enough upon its face, but was in reality the most difficult one that this branch of the public service had yet undertaken in the Mortensen case. Nevertheless the work was promptly proceeded with and in a short time the returns commenced pouring into the office. The first man caught in the round up was Fred S. Frisbee, a mining man residing at 251

the Third district court since 1884 that the open venire method has been resorted to. That was in the case of Rudger Clawson, charged with unlawful cohabitation. As in this case, but two jurors were lacking to make up the requisite number to try it. But six names were called for at that time. Out of these the needed two were secured. In this case fifty were asked for, and many more may yet be called.

in the Mortensen murder case shortly after 5 o'clock yesterday afternoon, that brought forth charges, counter charges and objections galore. It was during the examination of James Hemsley of Sugar House, a friend and former employe of Peter Mortensen and friend of Henry Mortensen. Hemsley eassed through a searching examina on at the hands of Barnard Stewart, and answered the questions in a very He said he was a bricklayer, but that he would not a afraid to bring in a verdict of guilty of nurder in the first degree even though

for cause, Mr. Eichnor asked quick as a flash: "Do you know the defendant?"

'And for Henry Mortensen?"

against capital punishment but said the thought it would be better for the community if there was no capital pun-ishment. He said he would require the nstantial evidence to strong before he would find a man

en about this case?"

for him and would not be influ-

Pass the juror for cause," said Mr. You worked for Mr. Mortensen on ome of his buildings, did you not?"

What kind of a man have you found accusing manner demanded:

ook at Henry Mortensen and tel! you last talked with him ut this case?"

Now, you know your own state of d and what you have done. Didn't look over there at Henry Morten-and didn't Henry Mortensen hang

defendant's brother. Henry Mor-n looked straight before him and face was scarlet. Mr. Stewart

were disqualified to act as jurors. Judge Zane overruled the challenge and the trial was proceeded with.

In this case the defense did not offer any objection to the open venire or-

der, and the clerks in Mr. James' office and the deputy sheriffs have had their hands full in carrying out the order of the court. It has required a good deal of hustling to serve summons upon 50 persons in so short a time. tvery One in

Match to Light a Pipe-News Rather Meager.

Fernie, B. C., May 23 .- A terrible ex- ; city at which has a population of about plosion occurred at 7 o'clock last evening in No. 2 mine, which is connected with No. 3 shaft, and also with the highline shaft. All three openings men were in the mine at work at the valls and everything possible is being done to relieve the situation. The fan

FALLS DEAD IN HIS GARDEN.

The Approaching End-Was Well Known.

Sudden Taking Off of Councilman Wilkins of Provo Today

-Was in the Best of Health and Had No Premonition of

(Special to the "News.") Provo. May 23 .- Death came swiftly and suddenly today to Councilman Alexander Wilkins of the Second ward of this place. He was in his garden working with his hoe and was in as good health apparently as he ever enjoyed in his life when he was stricken with apoplyexy and fell to the ground unconscious under the blight of a fatal stroke. He was carried to the house as quickly as possible but was found to be beyond all human aid. The news of his death spread quickly and was re-

ceived with profound sorrow on the

part of the people, for he was widely

known and highly respected.

Mr. Wilkins was quite a character and was known for his sterling qualities of heart and mind. He was born in Canada in 1834 and was baptized into the "Mormon" Church when but a hild. He went with his parents to Nauvoo and experienced much of the hardship incident to Church membership in those days. In 151 he came to Utah and settled in Provo, which has always been his home since that time He was in the police and sheriff's office second term as city councilman when he died. For twelve years counselor to the bishop of his ward. In 1856 he was with the "Y. X." company and went with the relief expediion to the aid of the handcart suf ferers. He also participated in the Welker Indian war. He leaves a large family.

ELKS ISSUE OFFICIAL PROGRAM

What Will Take Place in Salt Lake During the Three Days of Antler Activity-Prizes for the Band Contests, Parade Features and Drill Competitions.

The preliminary or skeleton program | of \$250 will be given the best marchof the Elks' August convention has been prepared by the committee on arrangements for the information and guidance of the prize competitors for the week beginning August 12 next,

as follows: First day-10 a. m., opening exercises in the Salt Lake Tabernacle; address, if possible, by O. W. Powers, as master of ceremonies; organ solo, J. J. Mc-Clellan; address of welcome, if possible, by Governor Wells; vocal solo, response to address of welcome; vocal misic, by selected quartet or choir; address to Elks, probably by Grand Exalted Ruler Charles E. I. Pickett; at 3 p. m., grand military, civic and fra-ternal societies parade, Major George S. Young, Eighteenth United States infantry, commanding as grand marshal; at 8 p. m., opening band contest, prizes \$1,000, \$500, \$250, conditions governing the contest to be published later. Three judges will be selected by the committee on band contests to make

ing band, the determining points being uniform, equipment, discipline, appearance on line of march, and the award will be made by three judges specially selected for this contest. Second day-3:30 p. m., Elks' parade,

under direction of Grand Esquire Dan Loftus, grand marshal; prizes, \$1,000, \$500, \$250; determining points, general appearance and bearing, beauty and originality, number in line, most unique display in parade, prizes, \$250, \$100 Lodges showing largest percentage membership in parade, prizes, \$150, \$100. p. m., Tabernacle concert; special program to include chorus of 500 voices

and other attractive features by Utah Third day-9 a. m., excursion to Ogden: 3:30 p. m., drill contest, prizes \$500, \$250. Drill teams must consist of 24 men, two officers and three ser-geants, all Elks. Teams may execute iny movements with or without music time limit 25 minutes; order of drill and award to be determined by three judges. Salt Lake teams barred. points considered will include march ing, general appearance, movements by bands and companies by platoons,

DISTRICT LEADERS THE ROCHAMBEAU RETURN HOME

barred from the competition. A prize I fancy drills, uniforms, etc.

Wilkesbarre, Pa., May 23 .- All of the district leaders having gone to their homes, the headquarters of the United Mine Workers was about the quietest place in the coal regions today. The only persons here directly connected with the miners' strike were National President Mitchell and District Presilents Nichols, Fahy and Duffy. ports from the outlaying districts this orning were to the effect that a dead am prevails. President Mitchell vould not say what action he would take if the movement of soft coal to but it is believed an effort will be made to prevent the shipments. He has received no communication, he says, from any one regarding negotiations for a

President Mitchell will leave for the

Washington, May 23 .- Today's official

eremonies, preliminary to the unveiling of the Rochambeau statue tomorrow, centered at Annapolis, where a attaches of the embassy, Assistant Secretary of State Pierce, Gen. Miles, Admiral Dewey, Admiral Taylor, Mr. west tomorrow. He will be gone about four days and will spend one day at Gourd, president of the French cham-ber of commerce; Gen. Horace Porter,

DELEGATION

distinguished party, including President Roosevelt, members of his cabinet, the entire French delegation sent to this country to participate in the cere monies, the French embassy and high representatives of the United States army and navy, attended a luncheon aboard the Gaulois. Those who made the trip to Annapolis went in two sec-tions. The Rochambeau delegation went first in a special car attached to the regular train over the Pennsylvania railroad that pulled out at 9:30 this morning. In the party besides the distinguished French visitors were the

national headquarters in Indianapolis. I the United States ambassador to Paris, sideration of private pension bilis.